

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

**CHANTIX (VARENICLINE)
PRODUCTS LIABILITY
LITIGATION (MDL-2092)**

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Master File No.: 2:09-CV-2039-IPJ

This Document Relates To: All Cases

ORDER SETTING INITIAL CONFERENCE

1. **Initial Conference.** This matter is set for an initial conference at **10:00 a.m., Monday, January 25, 2010**, in Courtroom 7B at the Hugo L. Black United States Courthouse, 1729 5th Avenue North, Birmingham, Alabama.

(a) **Attendance.** To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation, and attendance at the conference will not waive objections to jurisdiction, venue, or service.

(1) **Service List.** Counsel who have registered with the Clerk of the Court for CM/ECF Electronic Noticing (E-Noticing) and CM/ECF Electronic Filing will receive electronic notice of this Order. Such counsel are **REQUESTED** to forward a copy of the Order to other attorneys who should be notified of the conference but who may not be registered for CM/ECF Electronic Noticing (E-Noticing) and CM/ECF Electronic Filing.

(2) **Other Participants.** Counsel for persons or entities who are not named as parties in the cases initially transferred by the JPMDL, but have and may be later joined

as parties or are parties in related litigation pending in other federal and state courts, are welcome to attend the conference.

(b) **Preparations for Conference.**

(1) **Meeting of Counsel.** Before the conference, counsel for Plaintiffs and counsel for Defendant **SHALL** confer and seek consensus to the extent possible regarding a tentative agenda for the conference, including a listing of pending motions the parties may wish to propose for early consideration. On or before **January 11, 2010**, counsel shall **SUBMIT** the proposed agenda **via e-mail** to the undersigned's chambers at the following address: johnson_chambers@alnd.uscourts.gov.¹

(2) **Preliminary Reports.** On or before **January 11, 2010**, counsel for Plaintiffs and counsel for Defendant shall **SUBMIT** to the undersigned **via e-mail** to the above-referenced address, a *brief* written report indicating their preliminary understanding of the facts involved in the litigation and what they expect to be the critical factual and legal issues. These statements will not be filed with the Clerk, will not be binding, will not waive other claims or defenses, and may not be offered in evidence against a party in later proceedings. To the extent feasible, the statements of parties with similar interests should be consolidated and submitted as a single document.

(A) **List of Pending Motions.** The reports should briefly summarize the nature of pending motions and the parties' respective positions regarding the motions.

¹ This chambers email address has been established to enable counsel to submit proposed orders or other requested documents to the judge in WordPerfect format.

(B) The parties **SHALL** discuss a Rule 16 schedule for deadlines.

The parties shall notify the court of any parallel litigation pending in state courts.

(3) **Lead and Liaison Counsel; Steering Committees.** Attorneys interested in serving as Lead, Liaison, or Coordinating Counsel or on a committee of counsel to assist in coordination and management of the litigation, including temporary Lead, Liaison, or Coordinating Counsel, **SHALL** also submit information outlining how and at what rates they will expect to be compensated or reimbursed for services rendered to other parties and counsel and what agreements or commitments they have made respecting the role and responsibility of other attorneys in conducting pretrial proceedings, discovery, and trial.

(4) **Settlement Opportunities.** The parties **SHALL** discuss the possibility of early resolution of the claims in this case as well as the steps they and the court can take to assist in that effort.

2. **Interim Measures.** Until otherwise ordered by the court:


(a) **Admission of Counsel.** Attorneys admitted to practice and in good standing in any United States District Court are hereby **PERMITTED** to appear pro hac vice in this litigation, without need for any other motion, order, or payment of fee. Association of local counsel is not required. All counsel participating in this litigation, to the extent not already registered, are **DIRECTED** to contact the Clerk of Court to register with this court for CM/ECF Electronic Noticing (E-Noticing) and CM/ECF Electronic Filing. All counsel are responsible for reading and complying with the court's local rules and all orders in this case.

(b) **Motions.**

(1) Prior to filing any motion (other than a dispositive motion or a motion to remand) in this case, moving counsel shall contact the opposing counsel and determine if counsel will oppose the motion. All motions SHALL include, in the caption under the case number, a notation that the motion is either "Opposed" or "Unopposed."

(2) **Deadlines.** Orders issued by transferor courts imposing dates for initiation or completion of discovery are **VACATED**.

DONE and **ORDERED** this 9th day of November, 2009.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE